

SLF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Alberto ALGARA-Montelongo,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
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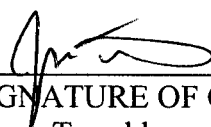
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **June 10, 2008** within the Southern District of California, defendant, **Luis Alberto ALGARA-Montelongo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF JUNE 2008.


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis Alberto ALGARA-Montelongo

PROBABLE CAUSE STATEMENT

On June 10, 2008 Border Patrol Agent J. Moguel was advised via service radio that an Inside Scope Operator had observed six individuals in an area known as "Whiskey 10." This area is approximately three miles west of the San Ysidro Port of Entry and approximately three hundred yards north of the United States/ Mexico International Boundary.

With the assistance of the Inside Scope operator and after a brief search, Agent Moguel found six individuals attempting to conceal themselves in dense brush. Agent Moguel identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality. One individual later identified as the defendant **Luis Alberto ALGARA-Montelongo**, admitted to being a citizen and national of Mexico in the United States illegally without any immigration documents. At approximately 5:30 pm, the defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 30, 2003** through **Hidalgo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. The defendant stated he was going to San Diego, California.